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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,668	01/08/2002	Christopher R. Vincent	POU920010157US1	6181
23334 7590 02/06/2007 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER BARQADLE, YASIN M	
			ART UNIT 2153	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/042,668	Applicant(s) VINCENT, CHRISTOPHER R.	
	Examiner Yasin M. Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-23,25-33 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27 is/are allowed.
- 6) ☒ Claim(s) 1-6,8-23,28-33 and 35-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on October 26, 2006 regarding claims 5-6,8-14, 18-23, 32-33,35-39 has been fully considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

2. Regarding claim 1 and 28, Applicant argues "Svoboda does not teach or explain a messaging server or its functions as claimed for the present invention. Therefore, Svoboda does not show " a message correction specification"(page 18, second paragraph). Examiner respectfully disagrees. Svoboda teaches an electronic messaging system within a framework of a message exchange through the Internet computer network, where a transmission (sender) and/or a receiver communication unit (recipient) there is applied an electronic unit such as computer and comprise input and output units and is connected to a storage unit, e.g. a mail server. (col. 2, lines 50-57). Svoboda also teaches a " data communication means there is used a computerised system such as the Internet computer network. The sender dispatches a message from, his computer and the message is through the Internet network delivered to a receiver mail server. The receiver communication unit allocates an access password to the received message the decision about the access password allocation being based upon available information about the identity of the sender." Col. 2, lines 58-65). Therefore, Svoboda clearly teaches a Mail server receiving dispatched message and allowing a user to access and modify a previously sent message if the message do not satisfy certain parameters. (See col. 4, lines 5-11). It is also clear that inviting a sender of a message to modify messages with different parameters from required ones (not conforming with receiver mail server parameters) implies accepting correction specification from the sender. (See col. 2, lines 2-14 and 25-44 of col. 2).

Allowable Subject Matter

3. Claims 25-27 are allowed.
- Claims 1-6,8-23,32-33, and 35-39 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2 15, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Svoboda (U.S. Patent number 6,597,771, hereinafter Svoboda”). Svoboda discloses a method of a message modification in a communication system and a device for performing the method. Svoboda shows,

In referring to claims 1, 2, 15 and 28, 29, Svoboda shows accepting , with an instant messaging originating device , a correction to a message previously sent from the instant messaging originating device and destined for reception by and instant messaging recipient device (received message are analyzed and the sender is allowed to modify the sent message (col. 2,

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lines 2-44 and col. 3, lines 8-22); and determining, with an instant messaging originating device, that message correction of the previously sent message requires sending a message correction specification (The access password allows the sender to modify and/or cancel the message stored at the receiver mail server and has not been withdrawn yet (col. 4, lines 4-6 allowing to modify a message that is not yet withdrawn implies sending a message correction specification); and based on the determination of message correction of the previously sent message, sending from the an instant messaging originating device to an instant message manager on an instant messaging server the message correction specification that specifies a correction of the previously sent message (The access password allows the sender to modify and/or cancel the message stored at the receiver mail server and has not been withdrawn yet (a mail server that analyses a received message and when finding its parameters unsatisfactory or different from desired one demanding a sender to modify the message inherently includes a message manager (Svoboda col. 4, lines 4-11 and col. 2, lines 5-62) "After receiving a message, the message being delivered into a receiver communication unit through data communication means and stored in a storage unit, there is a password allocated to the sender, the password being allocated with respect to available information about an identity of the sender, and the password is delivered back to the transmitter communication unit as acknowledgement message and serves the sender as a key for obtaining an access to functions for modification (correction specification) and/or deleting a message stored in a communication unit of the receiver." (Svoboda, col. 1, lines 57-67. see also col. 3, lines 5-26). Svoboda teaches an electronic-mail system, "there are systems working in such a manner, that a created message, an electronic document, is by means of a computerized system, operating as data communication means, transmitted at first to a server of

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a provider of the connection and then to a mail server of an addressee. The electronic message shall be stored in the mail server, until it is withdrawn by the addressee.” (Col. 1, lines 17-27 and col. 2, lines 49-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 16-17 and, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda in view of Rayson et al. (U.S. Patent Number 5761689, hereinafter “Rayson”).

In referring claims 3-4, 16-17 and, 30-31 Although Svoboda shows substantial features of the claimed invention, Svoboda does not show a text replacement specification comprising a start character index; an end character index; and insertion text: Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Svoboda as evidenced by Rayson.

In analogous art, Rayson discloses a method a method of autocorrecting text typed into a document. Rayson shows: “a text replacement specification comprising a start character index; an end character index; and insertion text: (Rayson, col. 5, lines 39-58 and col. 10, lines 14-54. See also fig. 3-5). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Svoboda so as to replace and modify errors in a textual data at any position of a document.

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6. Claims 5-6,8-14, 18-23, 32-33,35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (U.S. Patent Number 6,484,196, hereinafter "Maurille" in view of Nielsen US Patent Number (5870548).

In referring to claims 5-6,8-9,11,13-14, 18-23, 32-33,35-36, and 38, Maurille shows substantial features of the claimed invention including an instant messaging system: "In particular, the present invention is a communication board system with multiple modes in which the communication board system can be variously configured as: a threaded instant message system (conversation history plus instant access capabilities)" (col. 2, lines 56-61), a messaging server (server 100), coupled to client 150, fig. 1, message id (message ID in table 142 holds information pertaining to individual messages. Each participant in a message owns an individual message record), retrieving message from conversation log (col. 6, lines 44-57 and col. 8, lines 21-66), activating an alert to notify a user on an update (col. 12, lines 3-23). However, Maurille does not show receiving a message correction specification to a previously sent message. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Maurille as evidenced by Nielsen. In analogous art, Nielsen discloses a method and apparatus for altering sent electronic mail message. Nielsen shows "method for allowing an e-mail sender to alter a previously-sent electronic mail message addressed to a recipient whose computer is beyond the scope of control of the sender's computer. The sender first selects which previously-sent message to alter. The invention then constructs an action message and sends the action message to the recipient's computer where it is received." (col. 3, lines 6-17. See also the steps in Fig. 4).

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Nielsen further teaches a text replacement specification that specifies a correction to a previously sent message (fig. 7B steps 760-761 and fig. 6D) and sending the corrected message and the message ID to a messaging recipient client system (col. 16, lines 16-23 and fig. 11A).

In referring to claims to claims 12 and 39 Maurille shows displaying highlighted text in a conversation log and an auditory alert (col. 12, lines 20-30 and col. 13, lines 12-28).

Claims 10 and 37 Nielsen teaches determining whether at least one factor of the following corresponds to a system: language translation; correction of binary format information in a message; correction of image information in a message; system processing efficiency; network communication efficiency (Nielsen coll. 10, lines 41-67).

Conclusion

7. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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PRIMARY EXAMINER